

Nixon & Vanderhye P.C.

ATTORNEYS AT LAW

11TH FLOOR
901 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22203-1808

March 12, 2007

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4026
EMAIL: BHD@NIXONVAN.COM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Subject: **REQUEST FOR REFUND TO DEPOSIT ACCOUNT**
Deposit Account No. 14-1140
Statement Date: September 2006
Date Posted: 09/15
Seq: 35; Posting Ref Text: 10586496
Confirmation No.:
Fee Code: 8021; \$40.00
Our Ref.: 4662-209

To whom it may concern:

Regarding the Monthly Statement of Deposit Account dated September 2006, (copy attached), we believe there is a fee related error therein, which has resulted in a charge to our Deposit Account that appears to be unwarranted. Please refer to the following explanation and issue a refund as soon as possible.

Please see the attached copy of our check No. 96084 dated September 6, 2006 in the amount of \$40.00, Transmittal Cover Letter and Recordation Form Cover Sheet filed **September 6, 2006**, wherein the Recordation Filing Fee was paid.

Thank you for your time and assistance, and if you have any questions, please do not hesitate to call me at the above number.

Very truly yours,

NIXON & VANDERHYE P.C.

By: _____


Bryan H. Davidson

BHD:bcf

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 4662-209
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <div style="text-align: right; font-size: 2em; font-weight: bold; opacity: 0.5;">COPY</div> 10/586,496
INTERNATIONAL APPLICATION NO. PCT/EP2005/000935	INTERNATIONAL FILING DATE 27 January 2005	PRIORITY DATE CLAIMED 30 January 2004
TITLE OF INVENTION FIXING DEVICE FOR CLAMPING THE ENDS OF A SURGICAL CABLE USED FOR FIXING BONE PARTS		
APPLICANT(S) FOR DO/EO/US <div style="text-align: center;">MARISSSEN et al</div>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The U.S. has been elected (Article 31).		
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2). <div style="margin-left: 20px;"> a. <input type="checkbox"/> WO 2005/074826 is attached hereto (pages specification, claims & abstract (claims), sheets drawings). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </div>		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(3) <div style="margin-left: 20px;"> a. <input type="checkbox"/> is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation). b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </div>		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3) <div style="margin-left: 20px;"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </div>		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3).		
9. a. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4). b. <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5).		
Items 11 To 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.		
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.		
13. a. <input type="checkbox"/> A FIRST preliminary amendment. b. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A change of power of attorney and/or address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.		
18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		
20. <input type="checkbox"/> Other items or information.		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/586,496		INTERNATIONAL APPLICATION NO. PCT/EP2005/000935		ATTORNEY'S DOCKET NUMBER 4662-209	
<input checked="" type="checkbox"/> The following fees are submitted:					
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):					
21.	<input type="checkbox"/>	Basic national fee		\$300.00 (1631)/\$150.00 (2631)	\$
22.	<input type="checkbox"/>	Examination Fee (1643/2643)		\$0	\$
				\$200.00 (1633)/\$100.00 (2633)	
23.	<input type="checkbox"/>	Search Fee		\$0 (1640/2640)	
				\$100 (1641)/\$50 (2641)	
				\$400 (1642)/\$200 (2642)	
				\$500.00 (1632)/\$250.00 (2632)	\$
TOTAL OF ABOVE CALCULATIONS					\$ 0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
0 -100		0 /50 =		0.00	\$0.00 (1681) \$0.00 (2681)
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).					
CLAIMS		NUMBER FILED		# EXTRA	RATE
Total Claims		20 minus 20 =		0 X	\$50.00 (1615)/ \$25.00 (2615)
Independent Claims		3 minus 3 =		0 X	\$200.00 (1614) \$100.00 (2614)
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)					\$360.00 (1616)/\$180.00 (2616)
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)					\$ 0.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.					
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).					0.00
TOTAL NATIONAL FEE =					\$ 0.00
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property					\$ 40.00
Fee for Petition to Revive Unintentionally Abandoned Application; \$1500.00 (1453) / \$750.00 (2453)					\$ 0.00
TOTAL FEES ENCLOSED =					\$ 40.00
					Amount to be refunded: \$
					Amount to be Charged: \$
a. <input checked="" type="checkbox"/> A check in the amount of \$40.00 to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$ to cover the above fees.					
A duplicate copy of this form is enclosed.					

- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
- d. ☐ **CREDIT CARD PAYMENT FORM ATTACHED.**
- e. ☐ The entire content of International Application No. **PCT/EP2005/000935** and any U.S. and foreign application(s) corresponding thereto, and , referred to in this application is/are hereby incorporated by reference in this application.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.

CORRESPONDENCE ADDRESS

Direct all correspondence to:

☒ **Customer Number:**

23117

Type Customer Number here

COPY

Telephone: (703) 816-4000

BHD:bcb


Bryan H. Davidson

NAME

30,251

REGISTRATION NUMBER

September 6, 2006

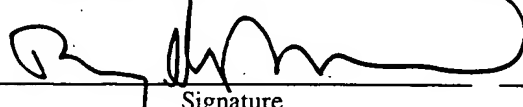
Date

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RECORDATION FORM COVER SHEET

PATENTS ONLY

Our Ref.: 4662-209

To the Director of the U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.	
<p>1. Name of conveying party(ies):</p> <p>1 Roelof MARISSSEN 5 2 Leonard Jozef Arnold 6 3 NIELABA 7 4 Willibrordus Maria Egidius 8 THEUNISSEN</p> <p>Additional name/s of conveying party/ies attached? <input type="checkbox"/></p> <p>3. Nature of conveyance:</p> <p><input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Assignment <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: July 11, 2006</p>	<p>2. Name and address of receiving party(ies):</p> <p>(1) Name: DSM IP Assets B.V. Street Address: Het Overloon 1 City: TE HEERLEN State/Country: The Netherlands Zip: 6411</p> <p>(2) Name: Street Address: City: State/Country: Zip:</p> <p>Additional name/s & address/es attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>4. Application number(s) or patent number(s): <input type="checkbox"/> This assignment is being filed together with a new application.</p> <p>A. Patent Application No(s). (1) 10/586,496 (2) (3)</p> <p>B. Patent No(s). (1) (2) (3)</p> <p>Additional numbers attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p>Name: Bryan H. Davidson</p> <p>Internal Address: _____</p> <p>Street Address: Nixon & Vanderhye P.C. 901 North Glebe Road 11th Floor</p> <p>City: Arlington State: VA Zip: 22203</p>	<p>6. Total number of applications & patents involved: 1</p> <p>7. Total fee (37 CFR 3.41) \$ 40.00</p> <p><input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account #14-1140</p> <p>8. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper thereafter filed in this application by this firm) to our Account No. 14-1140.</p>
DO NOT USE THIS SPACE	
<p>9. Statements and signature.</p> <p>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</p> <p>Bryan H. Davidson Name of Person Signing Reg. No. 30,251</p> <p> Signature</p> <p>September 6, 2006 Date</p> <p>Total number of pages including original cover sheet, attachments, and document: [2]</p>	

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

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	PAY TO THE ORDER OF HON. COMMISSIONER OF PATENTS AND TRADEMARKS		DATE <u>Sept 6, 2006</u> 68-426-514															
	<u>Fifty and 00/100</u>		\$ <u>40.00</u>															
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THIS CHECK IS DELIVERED FOR PAYMENT ON THE ACCOUNTS LISTED																		
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